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ABSTRACT

Minimal competency testing of students can be an effective tool for improving educational quality if applied appropriately with adequate safeguards. The failure of academic standards through grade inflation, a policy of social promotion rather than academic promotion, and weak curricula has reduced public confidence in education and encouraged legislative and judicial bodies to become involved in setting educational policy. Legislatures have backed efforts to develop and institute minimal competency testing. The courts have accepted such tests as graduation requirements, but only upon adequate notice. Educators have begun to adopt several measures to reestablish meaningful academic standards, including higher graduation and university admission requirements, competency-based education programs, and renewed emphasis on "basic" subject matter. Minimal competency testing can be a valuable addition to these measures provided it does not become the sole criterion for academic advancement or lead to teaching for the test. Competency tests cannot measure all aspects of education equally effectively, and should be used in combination with other methods. Programs for establishing and administering minimal competency testing should include due process safeguards, valid and reliable tests, and provisions for remediation and for staff development in diagnostic and remedial skills. Ten recommendations affecting use of minimal competency testing conclude the document. (PGD)

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EDUCATIONAL STANDARDS, ACCOUNTABILITY, AND STUDENT ASSESSMENT:
LEGAL AND ADMINISTRATIVE CONSIDERATIONS FOR COMPETENCY TESTING

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The Court is of the opinion that the functional literacy test bears a rational relation to a valid state interest and is thus constitutional. Debra P. v. Turlington, 474 F. Supp. 244 (1979), at 261.

I. Academic Standards

A. The Problem

Exhaustion of administrative remedies is one of the axioms of administrative law, restricting judicial intrusions into administrative matters. Yet, if academic standards were once considered the province of educational administrators, today they have become issues in the legislatures and in the courts with increasing frequency.

In the past decade, the public has to an extent lost confidence in the ability of educational administrators to correct ever more serious deficiencies in the educational process. Consequently, the public has turned increasingly to the legislatures and the courts to seek remedies and to devise more effective means of accountability.

The basic problem can be defined as a wide disparity between functional and operational academic standards. That is, there is a disparity between academic standards that would enable a participant in the educational process to function effectively in his or her surroundings, and currently operating academic standards that have become depressed and peripheral to the evaluation of performance and of proficiencies.

This problem awaits concerted and informed action by educational administrators.

B. Contributory Factors

A number of controllable factors in the educational environment have contributed to the goal disparity in academic standards. Although it was surely not the intent of educational administrators, the collective effect of these factors is equivalent to the systematic falsification of academic performance. One cogent and succinct evaluation of this situation is that of John Silber, the President of Boston University, who asserts that "Quite simply, today's high school diploma is a fraudulent credential."¹ One of the resulting costs for institutions of higher education, aside from the obvious financial costs of remedial education, is the negative impact on the institutions' human resources, when professors find themselves teaching basic reading and mathematics rather than literature and calculus courses. "Remedial courses," Wayne Brown of the Tennessee higher education commission has said recently, "sap the energy of the college and university faculty."²

The large-scale underutilization and underdevelopment of human resources affects students and faculty specifically, but its ripple-effect permeates operations in all social sectors of the nation. These effects will be discussed in the next section. This section will focus on some of the controllable factors that together contribute to the systematic falsification of academic standards. These factors are

policies of social promotion and grade inflation, and changes in curriculum and in course content.

1. Social Promotion

The widespread policy of social promotion, as opposed to academic promotion, rests on the belief that the benefits of learning and of acquiring standard proficiencies are outweighed by the trauma a student may experience when failing before high school graduation. Even more pragmatic considerations guide the practice of social promotion at the postsecondary level. In a funding structure in which programs, curricula, and institutions are sustained by numbers of students, attrition due to applied academic standards becomes antithetical to institutional or program survival. The degree to which such a funding approach permeates higher education in Illinois is manifest from the unequivocal policy statement of the Illinois Board of Higher Education (IBHE), in its Master Plan, that resources are to be allocated to reflect enrollment patterns.³ Yet, paradoxically, in the same document the Board declares that "enrollment-driven funding detracts from attention to incentives for qualitative improvements within higher education."⁴ No strategy for dealing with that dilemma is then offered in the Master Plan.

Individual institutions, far from devising solutions to this dilemma, often find it consistent with a policy of enrollment-driven funding to ignore questions of academic standards for

the sake of student retention. In a recent study the General Accounting Office found it to be a common practice among the examined institutions to ignore academic standards for students receiving federal financial aid. For example, according to the report, a student at a private four-year college received \$7,771 in federal aid during four semesters despite a 0.76 grade point average.⁵ The agency has urged Congress to impose academic progress standards on colleges and universities to force them to dismiss failing students who receive federal aid.

A reorientation of student promotion policies toward academic standards will also require fundamental reforms in education finance. Current financing procedures favor the systematic falsification of academic standards through social promotion.

2. Grade Inflation

The U. S. Commerce Department has worked out a deflator index, which can be applied to nominal dollar figures in order to ascertain constant dollar values, adjusted for inflation, over a period of years. No such deflator index is available for grade transcripts, and the performance value of grades on high school and college transcripts has become indistinguishable due to pervasive grade inflation.

An article on grade inflation in the June 1978 Phi Delta Kappan reports an increase in the percentage of students with

a B+ average from 18% to 36% between 1969 and 1975. These statistics were obtained from a national sample of college students.⁶ Instances of a college granting honors to 50% of its graduating students and of a university granting honors to more than 25% of its 7,000 graduating seniors are cited. The article points out that such large-scale grade inflation is due not only to individual instructors' lowered expectations and standards, but also to institutionally designed procedures that allow students to raise their grade point averages artificially, such as recording only the higher of two or more repeat grades in a course, and later withdrawal dates. Indulging in grade inflation means that the "selectivity functions of grades are impaired,"⁷ a classic understatement in academese simply saying that grades have become so devalued that the student performances to which they have been assigned are indistinguishable. One explanation for this state of affairs, the authors of the article agree, lies in "the combination of financial pressure and declining enrollments that has forced institutions of higher learning to lower performance expectations and accommodate lower-quality applicants."⁸

Enrollment-driven funding thus emerges as a substantial factor contributing to the systematic falsification of academic performance through grade inflation.

3. Curriculum Changes

The falsification of academic standards through curriculum changes is related to the problems of grade inflation and social promotion. John Silber, the President of Boston University, provides a summary of the situation and the dilemma it presents: "We've seen a denuding of the curriculum, largely driven by professional educators who wanted to design a program in which no one could fail. But the consequence was that no one could succeed. The standards had been set so low that gifted and average students met those standards with ease and, as a result, were never pushed to the level of achievement of which they were genuinely capable." ⁹

Silber's "denuding of the curriculum" echoes Harry Broudy's view of "indiscriminate curriculum diversification." In a recent article arguing for "Educational Unity in a Pluralistic Society" Broudy perceives the twin problems of reduced educational development of students and lack of cognitive integration arising from curricular "options that allow pupils to evade learning that at the moment seems uninteresting, uncongenial, abstract, or bookish," ¹⁰ or, one could say, simply more demanding in their standards of learning. The abandonment of course requirements once thought basic to a sound postsecondary education has in recent years led to a restructured curriculum in which courses demanding the development and use of higher-level critical and learning skills

were displaced by courses created to meet "popular demand." Students abandoned courses in philosophy, literature, languages, sociology, psychology to seek more "relevant" or "practical" courses in which the level of learning was invariably reduced to general discussions of general topics and to a few exercises in "practical" skills. The resulting indiscriminate curriculum diversification led not only to curricular fragmentation, but also to the logically consequent fragmentation of knowledge. Cognitive integration fails to take place when the student is not asked to work out a coherent, systematic plan of study and when disciplinary knowledge becomes so specialized that interrelations among the disciplines are severed. The consequence of such learning experiences for the student is, in Broudy's words, that "inputs are episodic, incoherent, and incompatible," so that the student is left with a sense of "alienation, ambivalence, and disorientation."¹¹ The student emerging from such a confusing and disordered learning environment is not prepared for the comprehensive and effective problem-solving demanded in today's complex world, nor is he prepared to meet the increasing demands for ever higher levels of performance in today's competitive world because that learning environment lacks challenging and demanding standards.

C. Effects

The above discussion of the goal disparity in academic

standards has addressed contributory factors which, from the perspective of educational administrators and decision-makers involved in the educational process, are controllable. An enrollment-driven funding structure, a policy of social promotion, the practice of grade inflation, and changes in curriculum that weaken academic standards and performance can indeed be controlled and changed. An effective plan to remedy the goal disparity in academic standards would necessarily encompass these controllable factors. At the same time, there must be a cognizance of other contributory factors that are, again from the perspective of educational administrators, relatively non-controllable. These include home environment, television viewing habits, drug use and other social factors emanating from the operative value system of the social environment. While one hopes that the educational process has a positive impact on this value system, the mentioned social factors must be considered relatively non-controllable from within the education system since they are not directly amenable to reform efforts of educational administrators and operate in a larger, more complex social context.

All factors contributing to the goal disparity in academic standards have produced a series of effects for which educational administrators are held accountable and for which remedies must be sought. These effects include declining test scores, diminished proficiencies, functional illiteracy, need

for remediation, and loss of public confidence.

1. Declining Test Scores

It has become an annual ritual for the news media to report another decline in average scores and another decrease in the number of students with high scores on the Scholastic Aptitude Test (SAT), a test used as an indicator of academic performance of students applying for college admission.

One such media report recently presented basic data from the College Board showing a 46% drop, from 1972 to 1980, in the number of students scoring above 650 (out of a possible 800) on the verbal part of the SAT, and a corresponding 22% decline on the mathematics part.¹² Not only are fewer students performing well, but average scores have dropped steadily over the years, losing 90 points from 1963 to 1981, according to a more recent College Board report.¹³

Many explanations for this steep decline are advanced, some more credible than others. Explanations range from flaws in the educational process, such as changes in curriculum and failure to teach test-taking skills, to causative factors in the social environment, such as drug problems and television viewing habits. Regarding the latter, one commentator notes convincingly that "we have not even begun to measure how the number of viewing hours affects values, attitudes, or the way learning in this audiovisual mode affects ability to take paper-and-pencil tests."¹⁴ Regardless of how much credence

may be assigned to any one of these explanations of the causes of lower national test scores, none should be viewed in isolation as the sole causative factor. Rather, a comprehensive strategy addressing social as well as academic problems must be devised.

In the meantime, the search for the quick-fix solution encourages the production of ephemeral and perhaps illusory remedies. One such remedy is offered by Stanley Kaplan's chain of educational centers specializing in test preparation. The test-coaching industry, promising to improve SAT scores by 100 points, is attracting an estimated 150,000 students a year preparing to take the SAT.¹⁵ In exchange for an estimated income of \$50 million a year, the industry supplies its customers with a rigid program of classroom drill, tape-recorded exercises, and test-taking techniques. It may well be asked whether such short-term remedies make a real and substantial contribution toward improved student proficiencies, or whether they serve to allay the testing anxiety of some and to improve the hopes of others that they will raise test scores enough to open the way to the more prestigious schools like Harvard and the more competitive professional schools like those of medicine or law.

2. Diminished Proficiencies

Of course one is led to suspect the reading, writing, and reasoning skills of a college English major who writes that

"The modern day literature has its good merits as well as its bad ones but I don't think so," quoted in a recent news article on "Why Johnny Can't Write." ¹⁶

The allusion in the article's title is to Rudolf Flesch's 1955 book, Why Johnny Can't Read, but since then Johnny has added writing, and thinking, to the list of academic deficiencies from which he suffers. And the evidence is not from 1955, but from the 1979-80 National Assessment of Educational Progress (NAEP) study titled "Reading, Writing, and Thinking."

The NAEP report indicated that reading scores and scores on inferential comprehension of high school students had declined in the 1970's, showing that students were not acquiring the critical thinking skills essential for reading and comprehension of literature, social studies, science, and other subjects. Similarly, students lacked skills in persuasive writing and were unable to express a point of view and defend it with reasoned thought. The NAEP report concluded that students were not attaining "the skills they need to explain and defend the judgments they make. The end result is an emphasis on shallow and superficial opinions at the expense of reasoned and disciplined thought." ¹⁷

3. Functional Illiteracy

In an editorial titled "Soon, a Nation of Illiterates?" in U.S. News & World Report (Sep. 7, 1981), Marvin Stone claims that "there are more than 23 million functionally

illiterate adults in this country" today, a trend he expects to "lead in another two decades to the creation of an elite class of no more than 30 percent of the population that is literate." ¹⁸

Speaking to a conference of Massachusetts elementary and secondary educators on October 29, 1981, former Secretary of Health, Education, and Welfare Joseph Califano said that American schools are producing a generation of functional illiterates whose lack of knowledge poses a threat to democracy. ¹⁹

The term "functional illiteracy" was originally used to describe reading and writing incompetencies. But other equally serious deficiencies have been noted and described in similar terms. The National Science Foundation laments the existing "scientific illiteracy" in the United States due to weak science curricula; the Ford Foundation says that declining math skills are threatening U.S. leadership in technology; and the Council for Basic Education is looking into the reasons "why Johnny can't write." ²⁰

Since 1976 several cases have been brought to the courts involving students who received high school diplomas, notwithstanding their functional illiteracy. For instance, in the two landmark cases involved in the genesis of educational malpractice litigation, Peter W. v. San Francisco Unified School District (1976) and Donohue v. Copiague Union Free

School District (1978), plaintiffs contended that they had suffered a tort when they were awarded high school diplomas despite a lack of minimal proficiencies. Peter W.'s complaint alleged that due to the negligence of the school district he had graduated from high school "with a reading ability of only the fifth grade." ²¹ And Donohue's complaint alleged that he was "unable to read and write simple basic English and did not have an understanding of the other subjects covered in his high school courses." ²² Although neither of the two plaintiffs obtained a judicial remedy - largely because of improper pleadings and the unwillingness of the courts to intrude into questions of educational policy and academic practice - these and other cases involving educational deficiencies have made patently clear the need for immediate and effective remedies.

4. Need for Remediation

One of the effects of the social promotion of a student to a level above his competency is that, due to his academic deficiencies, he is deprived of an opportunity to benefit from course materials regularly used at that level. A 1981 IBHE report on remediation in higher education defined remediation as an "attempt to bring unprepared students to a level of basic skills necessary to pursue college level work." ²³

Remediation programs are to be no more than "a reiteration

of basic skills previously presented to students," according to the IBHE report ²⁴ - i.e., a reteaching of the same material presented in high school but not learned by the students. To carry out postsecondary remediation programs in Illinois, a complex fiscal and administrative structure serves as support system. The administrative structure involves the Illinois Board of Higher Education, the Illinois State Board of Education, the Joint Education Committee, the Illinois General Assembly, and universities and colleges throughout Illinois. Instructional costs for remediation programs in universities and colleges in Illinois were estimated to be more than \$9.5 million in fiscal year 1981. ²⁵ In the case of community colleges, instructional costs for remediation have grown to represent 2.2% of total instructional costs of all community colleges in Illinois in FY 1981.

But remediation exacts costs far beyond those reflected in dollar entries in college and university budgets. Remediation courses not only detract from the postsecondary curriculum, the need for remediation itself and the low level of proficiency of students generally also exert tremendous pressure to dilute course content, standards and requirements in the regular courses. The consequent underutilization of college and university resources must be added as an educational and economic cost to the direct cost of remediation courses.

There are other costs to American society once students lacking the basic skills, including critical thinking and effective communication, enter the work environment. Employers find themselves investing heavily in remedial learning programs, training seminars, and professional development activities in order to raise the skill level and augment the capabilities of their employees to meet the demands of their work environment. At the same time employers experience heavy losses due to a decline in productivity and in quality of production. One of this nation's prime employers, the Pentagon, reports spending \$60 million annually on "basic skills education," whose goal it is to raise the level of proficiency of soldiers to a modest fifth-grade level.²⁶ Further, "the Pentagon has rewritten instruction manuals as comic books," says the President of Boston University, John Silber, "so that members of the volunteer Army can figure out how to dismantle and reassemble their rifles and work with machinery. In a technological age, that level of ignorance is not consistent with survival."²⁷

5. Loss of Public Confidence

The decade from 1970 to 1980 saw a notable decline in public confidence in the nation's public schools. There has been a variety of indications of this declining confidence: ratings assigned by the public to public schools, as reported annually in opinion polls; the growth of private

educational institutions; reports and editorials in the news media; proposed legislation and legislative-executive committees; and actions at law involving the judicial system.

Opinion polls showed a steady decline in public confidence in the nation's schools beginning in 1974, and they reflected a growing belief by the public that educational standards in the private schools are much higher than standards in the public schools. ²⁸

In reports and in editorials, the newsmedia depict public schools as lacking adequate academic standards, mismanaging instructional time, perpetuating absurd instructional objectives while ignoring the need to improve reading abilities, and finally ask, in the title of a report on the poor quality of public education, "Are Public Schools About to Flunk?" ²⁹

To help restore public confidence and high educational standards in public schools, legislation at the federal and state levels has been enacted and executive commissions have been formed. In October 1981 the National Commission on Excellence in Education began its public hearings. ³⁰ In November 1978 Congress passed education amendments that included a provision for grants to state educational agencies to devise plans for educational proficiency standards. ³¹ And in 1976 the Florida Legislature enacted the Educational Accountability Act that required the establishment of minimal performance standards and the assessment of functional

literacy for all students in Florida's public education system. 32

In its loss of confidence in the ability of educational administrators to correct perceived deficiencies in the educational process, the public has turned not only to the legislatures, but also to the courts to seek remedies and accountability. Educational malpractice litigation has arisen as an attempt to seek redress for the harmful effects of functional illiteracy. But when functional literacy tests and Minimal Competency Testing programs were instituted to address that problem, other litigation arose in response to such educational requirements. The result has been that at present the courts, the legislatures and educational agencies are all involved in efforts to forge the kind of educational policy and practice adequate for dealing with current educational deficiencies and restoring public confidence in the American system of public education.

D. Remedies

1. Legislation

a. Federal Legislation

When Congress enacted the Education Amendments of 1978, a section on "Educational Proficiency Standards" was included. Congress apparently felt a strong national need to encourage the use of proficiency standards by providing federal funds to state education agencies for the implementation of an educational proficiency plan worked out by the state agency and

approved by the Secretary of Education. "This educational proficiency plan," the federal statute states, "shall contain a description of the educational proficiency standards established for reading, writing, mathematics, and any other subject for which the State may require such standards." ³³ The statute further states that any such educational proficiency plan may contain a provision for proficiency examinations, but it must also provide the assurance that "supplementary instruction" will be given to those students failing the examinations.

The language of the statute clearly conveys which portions of the educational proficiency plan are mandatory and which are elective. The state educational agency can exercise its discretion, first, in whether or not to submit an educational proficiency plan at all; second, in delineating the basic educational standards contained in such a plan; and third, in whether or not to include proficiency examinations to measure student attainment of these standards. These elective provisions of the federal statute safeguard the principle of local autonomy in educational practice and thus avoid the politically controversial issue of centralized control over the educational process. Should the state educational agency choose to submit an educational proficiency plan that includes proficiency examinations, however, the federal statute mandatorily requires remedial instruction for those students failing the examinations. This provision of the statute anticipates

the legal requirement of due process which surfaces as a central issue when states or local school districts make these examinations prerequisite to academic advancement.

b. State Legislation

When the Florida legislature enacted the Educational Accountability Act of 1976, part of the stated intent of the legislation was to "guarantee to each student in the Florida system of public education that the system provides instructional programs which meet minimum performance standards compatible with the state's plan for education."³⁴ Translating this general statement of policy into action, the act contained a section requiring "satisfactory performance in functional literacy" for graduation from Florida public schools. This requirement was made even more concrete by a 1978 amendment to the act, in which the Florida legislature made passage of a functional literacy test a requirement for receipt of a state graduation diploma.³⁵

The constitutional and statutory validity of this literacy or competency test as a prerequisite for graduation from high school was challenged in the courts in Debra P. v. Turlington (1979).³⁶ The court held that using the competency test "in the present context as a requirement for the receipt of a high school diploma is a violation of the equal protection clause of the Fourteenth Amendment"³⁷ due to continuing effects of past discrimination against black students in the Florida educational system. The court was also of the opinion that

inadequate notice given prior to the "invocation of the diploma sanction" constituted a violation of the due process clause, and that four to six years should intervene between the announcement and the implementation of such a sanction.³⁸ The functional literacy test itself, however, was found to have content and construct validity and to bear a rational relation to a valid state interest.³⁹ Since the main objection was an inadequate phase-in period for the new requirement (the due process issue of inadequate notice), the court provided injunctive relief in the form of suspending the graduation requirement of passing the competency test for four years. But at the same time the court affirmed the legitimacy of the statute's intent to assure minimum educational standards expressed by the literacy requirement for high school graduation by permitting the state to use the competency test as a requirement for graduation beginning in the 1982-83 school year.⁴⁰

In Illinois, there has not been a clearly focused effort in the legislature to promote legal requirements of minimum educational standards as in Florida.

The Constitution of the State of Illinois advances the laudable goal of "the educational development of all persons to the limits of their capacities" (Article X, Section 1). But, as Illinois courts have affirmed in repeated interpretations, this is "a statement of general philosophy rather

than a mandate that certain means be provided in any specific form." ⁴¹ Whether addressing the issue of maximum educational development or of minimum competency standards in education, state policy-making bodies in Illinois - legislative, judicial, and administrative - have so far indulged in little more than statements of general philosophy or of general principles of policy.

The history of action in the Illinois General Assembly on minimal competency testing as a legal requirement for graduation reflects the volatile nature of this issue in the political and administrative process. In 1978, Senator Nimrod sponsored a bill (SB 238) in the 80th General Assembly requiring the State Board of Education "to develop basic arithmetic, reading and writing proficiency tests and prescribe standards for satisfactory achievement on such tests as a requirement for persons seeking a high school diploma." ⁴² Unlike the Florida legislature, which enacted a similar proposal into law that same year, the Illinois General Assembly receded from the original bill and instead passed into law a substitute amendment to the bill (P.A. 80-1412), which became part of the Illinois School Code. It merely requires the State Board of Education "to prepare procedures and materials to encourage and assist local school districts to develop minimal competency testing programs." ⁴³ The change in language from "to require and prescribe" to "to encourage and

assist" reflects the attenuation of policy objectives regarding minimal competency testing (MCT) as the issue proceeded through the political process.

Thus the 80th General Assembly promulgated a general policy on MCT that in effect required nothing of local school boards, but asked the Illinois State Board of Education (ISBE) to prepare program materials for MCT. The 81st General Assembly then passed a joint resolution establishing a temporary legislative committee charged "to receive the legislative recommendation concerning minimal competency testing programs from the Illinois State Board of Education" and "to discuss legislation concerning minimal competency testing for introduction during the first session of the Eighty-second General Assembly." ⁴⁴ That legislation was in fact introduced in the 82nd General Assembly as Senate Bill 765, which proposed to amend the School Code to require local school boards to adopt and implement competency testing policies under the supervision of the State Board of Education. The bill passed the Senate on May 26, 1981, but was tabled in the House Elementary and Secondary Education Committee on June 11, 1981. Instead, the 82nd General Assembly passed House Bill 874, which amended the School Code to prohibit the denial of promotion or of a diploma to a handicapped student on the basis of failing a minimal competency test (P.A. 82-653). En passant, the General Assembly defined minimal competency testing as

"tests which are constructed to measure the acquisition of skills to or beyond a certain defined standard" (Sec. 14-6.01).

Interestingly, House Bill 874 was written to address problems of equity and due process perceived in an MCT program instituted in the Peoria Public School District. There, "a program to upgrade academic standards" ⁴⁵ had been developed, including MCT as a requirement for obtaining a regular high school diploma. Some perceived these tests to be unfair to special education students. They were heard in Springfield.

2. Executive Action

a. Federal Action

The National Commission on Excellence in Education was established in August 1981. Its purpose, as defined by the Secretary of Education, was "to define the problems of and the barriers to attaining greater levels of excellence in American education." ⁴⁶ The Commission dutifully held nationwide hearings and received testimony on efforts undertaken or needed to foster higher levels of educational quality. However, other issues have taken precedence since, as the Secretary of Education has proposed to abolish his department and the administration, in a notion of "new federalism," has proposed and taken steps to reduce the federal role in education.

b. State Action

According to current Illinois State Board of Education

policy, school districts in Illinois "are not required to have a minimum competency test." ⁴⁷ Instead, in its advisory role, the ISBE recommends a locally developed comprehensive program including the use of multiple criteria for student evaluation and of periodic evaluation of the district's educational program in light of local standards.

The ISBE has developed this position over a period of years. Since 1977, ISBE staff have been researching the issue of MCT, investigating applications in other states and conducting a policy study that outlines the arguments for and against a statewide requirement for MCT programs. The results of the study have been compiled in a voluminous Study Workbook on Minimum Competency Testing, which was submitted to the 81st General Assembly, as required by legislation passed by the 80th General Assembly. The ISBE then submitted its legislative recommendation regarding MCT to the General Assembly. These were incorporated in Senate Bill 765, which passed the Senate but not the House of the 82nd General Assembly. That bill would have required local school boards to adopt and implement competency testing policies under the supervision of the State Board of Education. As it is, an attenuated ISBE policy now requires nothing of local school boards, but advises them to develop their own comprehensive programs to deal with the matter of student assessment and educational standards.

An observer of these proceedings may perceive a lack of leadership in both the legislature and the state's chief educational agency regarding the central substantive issue in education today. But beyond such a superficial observation lie the complexities of the political process, of the educational system, and of the issue of MCT itself.

Those familiar with the intricacies of the political process sometimes despair at its inertia in resolving pressing issues, sometimes marvel that consensus on an issue produces a coherent and apparently well-balanced policy. Many actors participate in the political process, and many strategies, as well as diversions, guide or ambush a proposed and developing policy in this process. Those who are also familiar with the educational system in Illinois recognize the kaleidoscopic portrait presented by its strongly decentralized nature: each local school district provides a clearly individual profile, not necessarily in consistency with the other units of the system. These conditions pose a formidable challenge to the imposition of resolute central leadership and precisely defined policy. This is so especially when the issue, as with quality of education and MCT, is not easily reduced to a sharply focused binary policy question easily lodged with one central authority.

3. Litigation

a. Educational Malpractice

A California student received consistently satisfactory

grades on his report cards, was regularly promoted, and was awarded a diploma at his graduation from high school. Then he found himself unable to obtain and retain a job. His loss in earning capacity prompted him to seek redress in the courts. There he submitted the allegation that, "as a direct and proximate result of the negligent acts and omissions by the defendant school district, its agents and employees, plaintiff graduated from high school with a reading ability of only the fifth grade." ⁴⁸

A New York student received failing grades in several subjects, lacked basic reading and writing skills, was promoted, and was awarded a certificate of graduation. He then found it necessary to seek tutoring in order to attain those basic skills not acquired in high school. He sought redress in the courts, alleging that, since he was able to read at no more than a fourth grade level, defendant school district had failed to adopt and practice "accepted professional standards," an omission that "constituted educational malpractice." ⁴⁹

These two cases, Peter W. v. San Francisco Unified School District (1976) and Donohue v. Copiaque Union Free School District (1978), form the genesis of a new area of litigation termed educational malpractice from its analogy to medical malpractice. Since its origin in medical malpractice a few years ago, the scope of malpractice litigation has expanded rapidly to include practitioners in more and more professions, and only a simple extrapolation of basic principles was re-

quired to transfer the notion of legal accountability for professional standards to educators as well. But the courts have not yet recognized an actionable cause in educational malpractice. The reluctance of the courts to do so is anchored to both legal and policy considerations.

As a matter of policy, the courts have traditionally been reluctant to intercede in academic matters. The courts have repeatedly expressed the opinion that educational issues are properly within the province of superintendents and commissioners of education and that disputes regarding these are best resolved in an appropriate administrative process, and not by the courts. Such an opinion is strongly and concisely expressed by the court in the Donohue case. In his opinion, Justice Damiani states unequivocally that "the courts are an inappropriate forum to test the efficacy of educational programs and pedagogical methods." ⁵⁰ He states further that "it simply is not within the judicial function to evaluate conflicting theories of how best to educate." ⁵¹ It may seem peculiar that the court's reticence to intercede rests on the stated basis of conflicting educational theory when the issue at bar is one of educational practice. But Justice Damiani is merely referring to the similar policy of judicial non-intervention stated by Justice Rattigan, in allusion to the multifaceted complexity of the educational process, in the earlier Peter W. case. There Justice Rattigan had observed that "the science of pedagogy itself is fraught with different

and conflicting theories of how or what a child should be taught," so that no "readily acceptable standards of care" were afforded by classroom methodology. Further, the educational process was too complex to lend itself to a monocausal reduction of the achievement of literacy to the school environment. As Justice Rattigan pointed out,

Substantial professional authority attests that the achievement of literacy in the schools, or its failure, is influenced by a host of factors which affect the pupil subjectively, from outside the formal teaching process, and beyond the control of its ministers. They may be physical, neurological, emotional, cultural, environmental... 52

In short, as stated in defendant's demurrer, "the pedagogical process of transferring knowledge and cognitive skills is so complex, and as yet inadequately understood, as not properly to be the subject of the imposition of a duty in tort." 53

Concurring in the essence of this argument, the court in Peter W. held that such "policy considerations negate an actionable 'duty of care' in persons and agencies who administer the academic phases of the public educational process." 54 The court in Donohue tersely agreed, declaring that "we, like the court in Peter W., hold that no such duty exists." 55 Hence, no cause of action based on the concept of legal duty within the meaning of tort law could be sustained, and neither Peter W. nor Donohue were afforded a judicial remedy.

In addition to the policy considerations just discussed, the courts were restrained from interfering in educational

matters by legal considerations. Malpractice litigation is potentially of a hybrid nature: it may be based either on a claim of negligence or on one of breach of contract. So far educational malpractice litigation has generally ignored the approach afforded by contract law and has taken the more difficult path of tort law as traced by medical malpractice litigation. The derivation from tort law has imposed severe limitations on educational malpractice suits. These constraints were delineated concisely by the court in Peter W.: "The allegations requisite to a cause of action for negligence are (1) facts showing a duty of care in the defendant, (2) negligence constituting a breach of the duty, and (3) injury to the plaintiff as a proximate result." ⁵⁶ There are stringent standards of proof for actionable negligence under tort law, and neither Peter W. nor Donohue met those standards of proof. All three elements - duty of care, negligence, and proximate cause - proved problematic. The issue of a duty of care illustrates these difficulties. In his opinion in Peter W., Justice Rattigan drew a distinction between duty of care as a "term of common parlance" and as a legalistic concept capable of sustaining liability for negligence in its breach. ⁵⁷ While it is a common and reasonable assumption that public officials have a duty to educate and to comply with the standards of their profession, this assumed obligation may have, and indeed should have, a definite administrative meaning, but it has not been legally codified and cannot be

presupposed to equate with the legal concept of duty. A legal duty is one imposed by law, not one merely based on public expectations.

But even while the courts in both Peter W. and Donohue found no actionable negligence, they left the door open for a misrepresentation approach derived from contract law. In his strong and well-argued dissent in Donohue, Justice Suozzi pointed out that "a cause of action for intentional and fraudulent misrepresentation, if properly pleaded, could withstand a motion to dismiss."⁵⁸ Standards of proof for misrepresentation are much less stringent than those required for actionable negligence under tort law. Simply stated, a knowingly false statement of a substantive fact constitutes a misrepresentation justifying the rescission of a contract. An inflated grade, promotion, or diploma falsifying a student's level of proficiency could be considered a false statement of a substantive fact. This would make the culpable institution liable at least for the cost of remedial education. Thus litigation for educational malpractice, if based on a claim of fraudulent misrepresentation, may eventually offer a legal remedy for a flawed educational process.

Another promising avenue for legal redress may be available if based on arguments of equal educational opportunity. In a recent article in the Missouri Law Review, Milton Garber makes a convincing case for such an approach.⁵⁹ Equal educational opportunity is a constitutional right, and the

practice of social promotion, Garber argues, serves to abridge that constitutional right. "When a student is promoted to a class level substantially above his competency, he is in effect deprived of an opportunity to benefit from the course material in the upper level classes." ⁶⁰ The abridgment of the opportunity to learn equal to that of competently placed students which results from social promotion constitutes a compensable injury. For, as Garber notes, prior court cases have produced the general rule, applicable here, that "a diminished capacity to learn resulting from wrongful placement in a disadvantageous educational setting is a compensable injury." ⁶¹

As long as educators themselves do not adequately meet the imperative for reform in the educational system and as long as functional illiteracy and other educational deficiencies persist, those who see themselves as having been seriously injured by these deficiencies will continue to seek judicial redress through educational malpractice litigation. New legal approaches and shifts in public policy considerations may then induce the courts to provide a remedy which they have to date entrusted to the appropriate administrative agencies. As Arlene Patterson noted pointedly in an article on educational malpractice in Phi Delta Kappan more than two years ago, "The question becomes, Who - professional educators or the legal system - will provide the remedy?" ⁶²

b. Educational Accountability

The other side of the coin of litigation involving academic

standards is not their absence but their presence. When new legislative or administrative policies arise to remedy educational deficiencies and to improve academic standards, that policy initiative is challenged in the courts by those in the educational constituency who see themselves placed at a disadvantage by the new policy. This has occurred when states or local school districts make proficiency or competency examinations prerequisite to academic advancement. Such a legislative initiative in the State of Florida, and such an administrative policy in the Peoria Public School District in Illinois have been undertaken recently and have been challenged in federal courts with similar results.

The case of Debra P. v. Turlington (1979) in Florida has been mentioned above in connection with the Educational Accountability Act, enacted by the Florida Legislature in 1976 and amended in 1978 to require passage of a functional literacy test for receipt of a high school diploma at graduation. The court found the functional literacy test to have content and construct validity and to bear a rational relation to a valid state interest. However, the court also insisted that due process required a notice period of four to six years before such a diploma sanction could be implemented. Adequate notice, the court considered in its 1979 decision, would have been given by 1982, so that Florida public schools were permitted to use the competency test as a requirement for graduation starting in the 1982-83 school year.

The implementation of Florida's accountability legislation was challenged in court by black students who saw themselves placed at a disadvantage by the new academic standard because not all effects of "past purposeful segregation" had been overcome in the Florida school system. The implementation of a similar diploma sanction by the Peoria School District in 1980 was challenged in court by special education students on the grounds that they were given insufficient advance notice or time to learn the material measured in the competency tests.

The case of Deborah B. v. Gill (1982) was initially decided for the school district and its graduation requirement by U.S. District Judge Robert Morgan.⁶³ On appeal to the 7th Circuit Court of Appeals in Chicago, however, the lower court ruling was reversed, and the school district was ordered to issue plaintiffs regular high school diplomas.⁶⁴ As in the Florida case, the appeals court found plaintiffs' due process rights to have been abridged by an inadequate notice period, but the court left intact the MCT program itself, including the requirement to pass the competency tests to receive a regular high school diploma.

Two central issues emerged from these adversarial proceedings: the question of meaningful academic standards, and the question of legal due process in the imposition of such standards. Neither issue appeared to be clear-cut and simple on its face, as illustrated by the history of the contentions about the Peoria program. That history includes a curious administrative

order of the State Superintendent directing the Peoria school district to issue petitioners regular diplomas. An analysis of these issues in the context of the Peoria program, however, reveals substantial analogy with the earlier situation in Florida and thus lends more predictability to the eventual outcome of these issues.

As in Florida, a search for meaningful academic standards prompted the requirement of passing the MCT for receipt of a regular diploma in the Peoria school district. Educational administrators in the school district perceived a steady erosion of public confidence in the schools and of credibility in the high school diploma. They saw the need to set up "a quality control mechanism," that is, "a way to assess whether or not the educational enterprise was turning out the quality product it intended."⁶⁵ This quality control mechanism eventually took the form of a final measure of the basic quality of that educational process - a minimum competency test, required for receipt of the diploma. Yet, to narrow the Peoria effort to just that one test would be to distort its dimension and its aims. In fact, the Peoria school district had developed a comprehensive program designed to remedy the problem of disparate functional and operational academic standards. In this comprehensive approach, Peoria administrators insist, "MCT is only one part of a total coordinated effort involving curriculum evaluation and reform, revision of graduation requirements, and assessment and

remediation of student deficiencies in the basic skills." ⁶⁶
But only the imposition of the MCT requirement for graduation became a contention. The MCT became symbolic of a revised educational program that incorporated the goal of meaningful academic standards as defined by the educational constituency in Peoria. ⁶⁷ The MCT became the symbolic guarantor of these academic standards.

That is how the issue was also perceived in the court. In his opinion in Deborah B. v. Gill (1982), Judge Morgan wrote that local boards of education "have the right, if not a positive duty, to develop reasonable means to determine the effectiveness of their educational programs with respect to all individual students to whom they issue diplomas." ⁶⁸ The Peoria MCT program, Judge Morgan affirmed, is such a reasonable means. And the test itself "is a reasonable test of the accomplishment of the school system in imparting basic knowledge to all its students." Focusing the issue as a perception of MCT as guarantor of meaningful academic standards, Judge Morgan continued pointedly: "Unless some such measure is permitted, no certification of graduation from an educational program can have any meaning whatsoever, to the student or to others, as the notice of educational attainment it is meant to be." ⁶⁹ This dictum was meant as a strong judicial endorsement of the school district's administrative effort to remedy the acutely perceived problem of disparate functional and operational academic standards and to realign

these standards with the basic goals sought by the educational constituency. Considered in that context, the Peoria MCT program, as that in Florida, undoubtedly bears a rational relation to a valid state interest.

It would be difficult to disagree with this view of the substantive issue, but the procedural issue of due process was not considered as carefully by the trial court. Nor had the issue been addressed with clarity in the earlier administrative review undertaken by staff of the Illinois State Board of Education. First, a general and amorphous definition of due process was advanced in the administrative order documenting the review of the case by a hearing panel of the ISBE. "The concept 'due process'," the document notes, "is a flexible standard dependent upon the facts and circumstances of each particular case." ⁷⁰ Then there was an equally general declaration that petitioners were entitled to notice allowing "a sufficient period of time in which to be exposed to the materials necessary to pass the Minimal Competency Test," a statement supported with a cite to the Florida case, Debra P. v. Turlington (1979). This portion of the ISBE administrative order succeeded in producing confusion rather than clarity. First, while the Florida decision clearly stated that four to six years between notice and implementation were necessary to safeguard due process (compared to the year and a half in Peoria), the ISBE statement curiously replaced mention of this specific time period

with the vague reference to a "sufficient period of time." Second, the ISBE formulation of the issue as adequate exposure to the materials tested by the MCT confused the issue of due process with that of test validity.

The question of an inadequate period of time between notice and implementation is one of procedural due process. The question of test validity, however, is not at issue in a consideration of what constitutes an adequate notice period. Instead, it is a question of the validity of the test itself, referring to the instructional match of the material being tested with the material having been taught.⁷¹ Perhaps if this point had been clear in the ISBE document, Judge Morgan, in his Deborah B. decision, would have looked differently at the question of instructional match of the Peoria MCT with plaintiffs' individual educational plans (IEP) containing a description of the materials they were taught. Instead, referring to the unquestionable legitimacy of a minimal standard of learning for graduation for all students, Judge Morgan held that "due process of law does not require pretending that such standard has been achieved by a person whose handicap clearly makes attainment of that standard impossible or inappropriate in the overall interest of that person." It was not on the issue of meaningful academic standards, but on that of due process in the imposition of such standards that this decision was reversed by the appeals court.

Thus the cases of Debra P. v. Turlington (1979) in Florida and of Deborah B. v. Gill (1982) in Illinois illustrate that while the courts sanction efforts by the legislature and by educational administrators to remedy serious educational deficiencies, the courts will intervene to assure adequate procedural safeguards in the implementation of any administrative or legislative measure deemed to lack such safeguards.

II. Student Assessment and Evaluation

A. General Administrative Measures

In a recent letter to Science News, the authors of a monograph on reading and learning difficulties reported results of their research in educational policies. They concluded that "an important factor in our falling SAT scores seems to come from the policies of our schools of education. Three factors stand out - low (or no) standards for admission to schools of education; grade inflation; and the belief that ability to read, write, spell and do arithmetic are not important." 72

Educators concerned with the effects of declining academic standards in American education have in recent years begun to develop and apply new policies addressing these three factors. Standards for graduation from high school and for admission to universities have been revised. Competency-based education programs have been instituted to counter the problems of

social promotion and grade inflation. And a widespread movement to revise curriculum and to concentrate on "basic" subjects has found resonance in many local school districts.

1. Revised Admission Standards

Administrative measures to improve current academic standards by revising requirements for graduation from high school have most frequently taken the form of imposing as a requirement passage of a standardized test, such as the MCT requirements in Illinois (Peoria) and in Florida discussed above.

Administrative measures to revise entrance requirements for admission to universities are taking the form of requiring prospective students to take more academic subjects in high school and to score higher on the SAT and similar college entrance tests. Many universities have been led to institute such entrance requirements by the high cost of higher education, current reductions in federal and state aid, and the soaring costs of remedial education.⁷³ Students interested in meeting such revised admissions requirements will no doubt seek to learn the necessary skills from basic academic courses in high school, and educators will be inclined to use more standardized tests to assess levels of student proficiencies. The use of standardized tests in elementary and secondary schools to assess proficiencies was recently endorsed by the National Academy of Sciences.⁷⁴

2. Competency-Based Education

Competency-based education programs involve a revision of curricula that emphasizes basic academic subjects and academic proficiencies. These programs also use corresponding minimal competency tests to assess the attainment of student proficiencies in these basic academic subjects, as well as other means of instructional evaluation.

Improved student performance as a result of the revised academic standards incorporated in one such competency-based education program were reported at the 1981 meeting of the Council for Basic Education. That program was considered a model for high school reform, implemented in the school system of Modesto, California.⁷⁵ The assistant superintendent of the school system reported seniors to be scoring 30 to 50 points above the national average in College Board examinations. Reform of the Modesto school system included establishing a competency-based curriculum and emphasizing the responsibilities as well as rights of students.

In wise and comprehensive educational reform like that in Modesto, competency testing can be used effectively to control grade-to-grade promotion, to identify student deficiencies for remediation, and to verify other evaluation procedures. In assessing future directions for competency-based education, educational scholars conclude that "competency-based education and assessment could have a major impact on improving both the quality of education and professional

service." 76

3. Return to Basics

In the last few years much public attention has been given to demands for a "return to the basics" in education as a means of remedying widespread deficiencies in education. In the eyes of most school administrators, as in Chicago, 77 and of the public, the notion of basics translates into the three Rs: reading, writing, and arithmetic. This implies restructuring school curricula with those three basic subjects at the core. Yet, the choice of which subjects to include and exclude in any perception of "basics" becomes a matter for professional and public debate.

An instance of such a public debate is the series of "mandates hearings" conducted last year by the Illinois State Board of Education in various locations throughout the state. The purpose of the hearings was to receive public testimony on the merits of retaining or changing present state curricular requirements, especially those in driver education, physical education, and bilingual education. At the same time a study of curricular state requirements was made by ISBE staff. The staff's recommendations, made to the State Board's Planning and Policy Committee in January 1983, include deleting state requirements in driver, physical, and bilingual education and establishing a requirement that local school districts develop and implement "student assessments" (i.e., minimal competency requirements) in the basic subjects of

mathematics, science, and language arts. ⁷⁸

Professional debate about what constitutes "basics," that is, subjects considered to be essential to a sound education, has taken place for some time. The discussion of essentials in a sound education is inherently unlimited in time, since a continually changing environment produces continually changing demands. But this continuing process of evaluating educational essentials merits continuous attention, for it is here that profound questions of the philosophy of education arise.

Two recent discussions about "basics" and educational essentials deserve particular attention as examples of issues that go to the heart of the meaning of education from a profoundly philosophical as well as cultural perspective. The first addresses the role of critical thinking from the perspective of the humanities, the second deals with the ability to abstract in a culture oriented toward pragmatic results and sustained by the effective processing of information.

In its 1980 report, the Commission on the Humanities set down as its highest priority for education in the 1980's that students acquire not only basic literacy, but also the "conceptual, critical, and aesthetic capacities as basic as literacy itself," offered by a strong foundation in the humanities. ⁷⁹ This proposition argues at once that critical thinking is basic to a meaningful concept of literacy and hence is one of the basic skills properly taught in a sound

educational system and that it is very essential to the improvement of the quality of education in American schools. This proposition is remarkable not only for the soundness of its reasoning, but also for the timeliness of its argumentation. This is at a time when the basics are defined popularly as reading, writing, and computation - and when the skill of critical thinking is somehow considered peripheral to basic education. It is at a time when the return to basics means a focus on minimal competencies at the expense of developing such higher-level skills as inference, analysis and synthesis, and when minimal competencies tend to become maximums under the influence of political and administrative pressures.

Detaching critical thinking skills from basic language skills (reading, writing) absurdly severs the interrelation of language and logic. Hence professional educators versed in the humanities properly see deficiencies in written and spoken expression as both a cause and an effect of faulty thinking. Severance of the interrelation of language and logic leads to the absurd notion that language is not the primary means of thinking, with the predictable result that language becomes ritualistic and meaningless and no longer serves as the necessary instrument for analytical and rational thought. Used in this fashion, language takes on the character of a slogan. It is characteristic of a slogan to reduce a complex series of factors to a simplified formula. A slogan lends itself to the superficial projection of

appearances, but disintegrates under analytical scrutiny. Yet, absent a critical approach to communication, slogans, stereotypes, and superficial thinking merrily perpetuate themselves. And students who have not learned the essential interrelation of reading, writing, and thinking, as a report of that title in the 1979-80 National Assessment of Educational Progress (mentioned above in the section on diminished proficiencies) states, cannot be said to have attained literacy if that term is to be taken in any but a superficial sense. In an educational process that does not include the acquisition of critical thinking skills, the NAEP report states flatly, the result is "an emphasis on shallow and superficial opinions at the expense of reasoned and disciplined thought." ⁸⁰

Another perspective on basics and educational essentials is provided by a recent discussion of literacy in the context of a culture sustained by the effective processing of information. It is argued that the information revolution is placing greater demands for literacy on all people, as an estimated 50% of the workforce, according to the U.S. Department of Commerce, is involved in the processing of information. ⁸¹ Indeed it is argued that computer literacy is essential for survival in such a culture. "Those who just get by in one culture do not survive in subsequent cultures. Those who know vocabulary and grammar today," a vice president of the Xerox Corporation told participants

in an international conference on "Literacy in the 1980's" at the University of Michigan-Ann Arbor in 1981, "must be taught coding, programming, flow diagrams, and the syntax of artificial intelligence." ⁸² And the syntax of artificial intelligence, as Marvin Minsky, the president of the American Association for Artificial Intelligence, has pointed out, requires the ability to abstract. ⁸³ The ability to abstract is essential as well in an environment and a culture characterized by information overload. The ability to abstract is one of the higher-level skills basic to the successful management of information, even, or rather especially when computers provide assistance in the management of that information.

The question of how to define the "basics" in education, one may sensibly conclude from these reflections, should not be rushed to a premature resolution that only incorporates "readin' ritin' rithmetic" in a questionable notion of literacy.

B. Minimal Competency Testing: Administrative Issues

The question of basic proficiencies or minimal competencies underlies the three administrative measures for student assessment just discussed: revised admissions standards, competency-based education, and the return to the basics. This section of the paper will briefly examine the place of MCT in student assessment and evaluation and its advantages and disadvantages.

Current ISBE policy, adopted in June 1981, does not re-

quire local school districts to have MCT programs. The policy instead emphasizes the use of multiple methods of evaluation. According to the ISBE, "extensive research shows that MCT alone is an inadequate approach to assessing quality education. The narrow focus of an MCT program does not provide an adequate basis for a policy which is directed toward assurances of program quality or determining individual student needs."⁸⁴ While MCT is acknowledged to be a useful tool in diagnostic assessment, it is strongly argued that MCT is misused if it is established as the sole criterion for academic advancement. Other methods of evaluation (such as interviews, essays, self-assessment) must be used in conjunction with MCT to determine academic advancement. MCT, or any single test, cannot serve as such a precise indicator of competencies that it could be used as sole criterion for academic advancement.

The point that MCT, or any test designed to measure competencies, can by its very nature not be a precise and valid indicator of such competencies is made strongly and convincingly by Paul Pottinger. In Defining and Measuring Competence (1979), Pottinger points out the theoretical fallacy of "dividing global behaviors into subunits." He argues that "this reductionism makes behavior easier to define, but it assumes that the acquisition of micro-skills and abilities adds up in some simplistic fashion to overall competence."⁸⁵ Pottinger rightly cautions that test

developers and researchers have been deterred from accounting for the complexity of human performance and learning by assumptions of behaviorism or by the "tyranny of reliability." Subjecting complex phenomena to the tyranny of "scientific" requirements, to reductionistic and atomistic methods, inevitably produces pseudoscientific results. Grasping at such results as means for solving problems signifies an indulgence in illusions. Yet this is the allure of MCT: it seems to offer a quasi-scientific approach to the problems of educational quality and accountability. But educators must carefully weigh the advantages and disadvantages inherent in MCT in order to assure its judicious and appropriate application to the educational process.

Sufficient information for a prudent judgment about the usefulness of MCT is now available. Educators have discussed the merits and demerits of MCT for some time. An entire issue of Phi Delta Kappan was dedicated to "The Minimum Competency Testing Movement" in May 1978. The extensive discussion included pros and cons of MCT as well as the experiences of four school districts that had been using MCT programs.

Robert Ebel stated "The Case for Minimum Competency Testing" by arguing generally against the "specious, unsound, anti-intellectual philosophy of education" prevalent in schools and for "cognitive competence," and specifically, for MCT as a means of recognizing educational deficiencies and providing

motivation to learn and to teach "by providing specific goals and rewards." ⁸⁶

Gerald Bracey countered with "Some Reservations About Minimum Competency Testing" by cautioning that "the kind of cognitive excellence promoted by the schools is that kind of narrow excellence that is loosely termed 'left-brained' - logical, sequential, verbal, analytic," and "the minimum competency movement reinforces this peculiar form of cognitive excellence." ⁸⁷ This is indeed a timely warning about the onedimensional nature of an educational process that elevates functional and atomistic learning outcomes to a virtue while ignoring aesthetic and integrative approaches to knowledge.

While most may agree that a mastery of fundamental academic skills is essential and that minimum standards of achievement may at least assure basic educational standards, competencies in higher-level skills are not as easily defined. While competencies in the cognitive domain of Bloom's taxonomy of educational objectives, in the categories of knowledge, comprehension, and application, are defined with relative ease, those in the categories of analysis, synthesis, and evaluation are not. ⁸⁸ Competencies in critical thinking, inference, ability to abstract and integrate are not as easily measured and so tend to remain at the periphery of competency-based education. Perhaps the greatest pitfall of imprudent applications of minimum competencies in education

is that in practice minimums become maximums. Moreover, opinions about how minimal minimums are differ greatly.

Jim Mecklenburger, director of research for the National School Boards Association, asks educators who contemplate implementing an MCT program to anticipate some of the possible consequences. "What will happen when 'too many' fail? What is done then? Lower the passing score? Make an easier test? Make different 'minimums' for different kids? Teach test-taking? How elementary will the test have to be in order that most students can pass?" ⁸⁹

These and other questions need to be asked and alternative responses to them considered. If, for instance, tests do indeed become very elementary and minimums are very minimal, what are the implications for estimating the effectiveness of such an approach to solving the problem of eroded academic standards?

In this context, the results of a 1979 survey of school districts in Illinois having MCT programs deserve attention. Respondents noted that, aside from budgetary concerns, the greatest weaknesses evident in their MCT programs were that there was a notable tendency to teach for the test and that the tests determined curriculum. ⁹⁰

These are significant caveats for educators to consider when dealing with MCT in an effort to improve academic standards. The general tendency of MCT to reduce the curriculum to basics, narrowly defined, and to lower the level of skills

being taught must be counteracted. Otherwise, educators will find themselves in the quality paradox spawned by imprudently narrow uses of MCT: the measure intended to improve may instead reduce the quality of education.

C. Minimal Competency Testing: Legal Issues

There are numerous legal issues involving MCT, and they vary depending on the purpose for which MCT is used in the school district. Generally, legal requisites surrounding MCT programs are most stringent when MCT is used as a requirement for graduation and not as rigorous when MCT is used just for student assessment and the identification of academic deficiencies.

1. MCT as Graduation Requirement

The courts have held that graduation from high school with a standard diploma constitutes a property right, since the presence or absence of such a diploma affects the earning potential of the person concerned.⁹¹ Capacity for future employment is seen as a tangible interest threatened by a label of academic incompetency. Since a property right is involved, the courts are willing to oversee very closely the safeguards necessary for the protection of that right. That is the case when states or local school districts make competency tests prerequisite to academic advancement and to graduation from high school.

The two situations where this has occurred in Florida and in Illinois, and the subsequent litigation and court decisions,

have been discussed above in the section on educational accountability. In both situations, the validity of the test and its reasonableness as a graduation requirement were upheld in the courts. But both court cases were decided not on the issue of meaningful academic standards, but on that of due process in the imposition of such standards. The key due process question was that of an inadequate period of time between notice and implementation of the new graduation requirement.

In addition to the problem of adequate notice, which may require a phase-in period of several years for the MCT graduation requirement, other legal restrictions and safeguards demanded by due process include test validity and opportunity for remediation.⁹²

Educational test developers are familiar with the difficulties of devising valid tests, and professional educators are circumspect about the predictive value of any one test. The Supreme Court of the United States in 1971 recognized the general inadequacy of tests as valid evaluation instruments and the infirmity of using diplomas as "fixed measures of capability."⁹³ Consequently, it is both reasonable and prudent that receipt of a student's diploma not be contingent on the successful completion of any one test. An MCT program attuned to requirements of due process therefore includes provisions for reexamination. Reexamination safeguards against errors in the evaluation process, including

errors in test validity and reliability, and hence protects against inaccurate deprivations of students' property interest in public education. The opportunity to retake the MCT used as a graduation requirement therefore becomes part of the process due those upon whom it is imposed.

When passage of an MCT is made prerequisite to receipt of a regular diploma, the test itself must withstand close professional and judicial scrutiny. It must have both reliability and validity. Test reliability is ascertained when a test yields consistent results if administered more than once to the same group of students. Test validity is present when the test measures in fact what it intends to measure. There are several types of validity, all of which must pass scrutiny.

Construct validity concerns the extent to which an instrument measures the construct. An MCT has construct validity, for instance, if test scores provide conclusions about the functional literacy of those who pass as opposed to those who fail the test.

Curricular validity relates to the instructional match between what has been taught and what is being tested. If the test measures proficiency in skills not introduced in the classroom, it is deficient in curricular validity. This point addresses the problem of devising and using competency tests which measure adult life-role skills as opposed to basic academic proficiencies.

Content validity is similar to, but more narrow than curricular validity. Content validity is present when test questions represent the knowledge the test intends to measure.

Concurrent validity indicates a close correlation of test scores and other information (from other evaluation techniques) available about the test-taker. Although this type of validity may not become the object of the kind of focused judicial scrutiny that is to be expected for construct, curricular, and content validity, educators would nevertheless be prudent to consider it in relation to the use of multiple methods of evaluation.

In addition to test validity to assure the accuracy of a device used to extend or deny a diploma implying a property interest, legal restrictions on the use of MCT relating to due process also include the opportunity for remediation. This issue arises in situations in which a school system has a history of notable educational deficiencies which must be remedied before it is fair to impose a new general graduation requirement such as the MCT. This relates to the question of an adequate phase-in period, and its adequacy may be determined by the extent of prior educational deficiencies in the school system.

2. MCT as Assessment Device

Legal requisites for MCT programs are attenuated or even absent when MCT is used for the identification and remediation

of educational deficiencies but not tied to the diploma or to academic advancement.

When an MCT is used generally to assess the effectiveness of an educational program and specifically to identify students in need of remedial instruction, no immediate property right as in the case of MCT as a graduation requirement is involved. On the contrary, efforts to improve an educational program and to offer remedial instruction to needy students are administrative processes which, rather than involving specific legal rights related to outcomes, are procedures to remedy deficiencies in the process - procedures which are easily altered by other administrative measures. For instance, once a particular student has been identified as in need of remedial instruction, that student's performance can be reassessed with other methods of evaluation, he can be monitored closely and retested periodically to assure that his level of proficiency is adequate to the demands of current educational standards. A refined administrative procedure, such as that for special education students, would generally assure that due process safeguards are in place in such a situation.

D. Minimal Competency Testing: Policy Guidelines

Educators are aware of continuing public and legislative pressures for accountability through testing. MCT, though terms may vary from "proficiency tests" to "student assessment," continues to be an issue in Illinois in the General

Assembly and at the State Board of Education. Given this persistent focus on one measure that, to many, promises to remedy educational deficiencies and to reinstate meaningful academic standards, it seems only wise and foresighted to consider the guidelines one may wish to follow in establishing or maintaining an MCT program.

There seems to be a consensus among professional educators that minimal conditions for MCT include local control, opportunities for remediation, and increased funding.⁹⁴ Other recommendations and guidelines include due process safeguards, a comprehensive testing policy, valid and reliable tests, adequate funding and resources for remediation, and staff development in diagnostic and remedial skills.

(1) Due process safeguards. There are several such safeguards that have arisen from past judicial action or that may be the object of future judicial scrutiny. There is the question of an adequate phase-in period for additional graduation requirements. There is the question of test reliability and validity, including construct, curricular, and content validity. Finally, it is advisable to have multiple opportunities for testing and for remediation.

(2) Comprehensive testing policy. In addition to MCT, a school district would be wise to use other tests that together comprise multiple methods of assessment. In this context, it would be desirable to strive for concurrent validity.

(3) Staff development. It is not reasonable to assume that

teaching staff has had extensive training in diagnostic and remedial skills. These are special skills that must be increased through continuous staff development. Diagnostic skills are crucial for the identification of academic deficiencies, and remedial skills are needed to address these deficiencies effectively.

(4) Adequate funding. With current reductions in federal and state support for education, most school districts already face a precarious financial situation. The entire funding structure for education is in sore need of reform, but that is a larger situation which in my judgment must be addressed and remedied at the state level. In the meantime, present educational deficiencies are adding to the financial costs of education from the elementary through the college level, and they have the potential of adding even greater costs to the budgets of school districts through enforced remediation programs and through the costs of educational malpractice and accountability litigation. When present educational deficiencies are costly, it is not reasonable to expect that measures to remedy them will incur no additional costs.

Several financial costs are to be anticipated when implementing an MCT program, and the school district, including its educational constituency, must be prepared to meet that new financial commitment. There are additional administrative and teaching costs. Teaching costs include those for staff

development and for remedial instruction of students. Costs for remedial instruction may initially be high, if present costs for remediation at the high school and college level are indicative of such needs. Administrative costs include those incurred by additional administrative duties and those of the tests themselves. Additional administrative duties arise when the MCT program is initially set up (for instance, conducting a community survey of educational objectives, as was done in Peoria) and also while the program runs (for instance, record-keeping on test scores, monitoring student progress).

Perhaps the first step in following these guidelines is to inform the community about what is involved in implementing an MCT program, what can be expected, what it will cost financially, and what kind of a public commitment and what degree of community participation are essential to the program's success.

III. Conclusion

A. Summary

Academic standards: defining the problem. In the past decade, there has been a growing disproportion in academic standards in American education. This can be seen as a disparity between functional academic standards that would enable a student to function effectively and currently operating academic standards that have largely ceased to

measure and reflect a student's performance and level of proficiency. Consequently, academic standards, once considered the sole province of educators, have become a policy issue in the legislatures and in the courts with increasing frequency.

Several controllable factors in the educational environment have contributed to the disparity between functional and operating academic standards. These factors are social promotion, grade inflation, and changes in curriculum and in course content that lower the level of skills and reduce the scope of materials taught. Together these factors have the effect of a systematic falsification of academic performance and proficiencies.

The disparity in academic standards has produced a series of effects, including declining test scores, diminished proficiencies, functional illiteracy, the need for remediation, and loss of public confidence. Educational administrators are held accountable for these, and remedies must be sought if education is to regain viability.

Remedies: executive, legislative, judicial. At present, the courts, legislatures, and executive agencies are all involved in efforts to forge the kind of educational policy and practice adequate for dealing with current educational deficiencies and restoring public confidence in the American system of education.

Congress has enacted statutes that encourage states to

develop educational proficiency plans containing proficiency standards and proficiency examinations. The Educational Accountability Act enacted by the Florida legislature contains a provision, since 1978, that requires passage of a functional literacy test for receipt of a regular high school diploma. In Illinois, a bill with a similar requirement was introduced in the General Assembly in 1981, but not passed. So far the General Assembly has only required the Illinois State Board of Education to assist local school districts in developing minimal competency testing (MCT) programs, but MCT is not a state requirement either as part of a remedial program or as a graduation requirement.

The National Commission on Excellence in Education, established in 1981, has been investigating the need for higher levels of educational quality. The Illinois State Board of Education (ISBE) has researched MCT extensively and, according to present policy, recommends locally developed comprehensive assessment programs using multiple criteria for student evaluation. The Peoria School District in Illinois has developed such a comprehensive program, which has also imposed passage of an MCT as a graduation requirement.

Litigation in the courts has arisen in response to state and school district policies making competency tests prerequisite to academic advancement. In Florida, at the state level, and in Illinois, in the Peoria School District, legislative and administrative policies to remedy educational

deficiencies and to improve academic standards have led to the imposition of MCT as a graduation requirement. These policy initiatives have been challenged in federal court by members of the respective educational constituencies. So far the courts have found the competency tests at issue to have validity and the requirement for graduation to bear a rational relation to a valid state interest. However, the courts have also insisted on an adequate notice period before the implementation of the diploma sanction as a requirement of due process. The court decisions in Florida and in Illinois indicate that, while the courts sanction efforts by state legislatures and by educational administrators in local school districts to remedy serious academic deficiencies, the courts will intervene to assure adequate procedural safeguards in the implementation of any administrative or legislative measure deemed to lack such safeguards.

The other side of the coin of litigation involving academic standards is not their presence but their absence. When functionally illiterate students have been graduated from high school, they have turned to the courts to seek relief from and compensation for "educational malpractice," in analogy to medical malpractice, claiming negligence in the school district's duty to educate. However, educational malpractice litigation pursuing a negligence approach has encountered the difficulty of legal definitions of duty and of academic standards, stringent requirements of proof, and

reluctance by the courts to intercede in academic matters as a principle of judicial policy. Consequently, this litigation has remained unsuccessful to date and the courts have not intervened to assert certain defined academic standards. However, future educational malpractice litigation may be more successful if either a misrepresentation or an equal educational opportunity approach is taken by plaintiffs in place of the unavailing negligence approach. Also, if serious educational deficiencies persist, shifting public policy considerations may yet induce the courts to intervene and provide a remedy which they have to date entrusted to the appropriate administrative agencies.

Remedies: educational administrators. Educational agencies and professional educators have in the meantime undertaken several measures designed to remedy educational deficiencies and to reestablish meaningful academic standards. Standards for graduation from high school and for admission to universities have been revised. Competency-based education programs have been instituted to counter the problems of social promotion and grade inflation. And a widespread movement to revise curriculum and to concentrate on "basic" subjects has found resonance in many local school districts.

However, the choice of which subjects to include or exclude in a definition of "basic" subjects essential to a sound education has become, and will no doubt continue to be,

a matter for extensive professional and public discussion. This process of discussion merits continued attention since questions of the philosophy of education are involved. Although many school administrators and the public translate the notion of basics into the three Rs of reading, writing, and arithmetic, such a minimal conception of basics would sever the interrelation of language and logic and ignore the demand of critical thinking integral to a sound concept of literacy. The ability to think critically and to abstract are demanded not only by a sane concept of basic education, but are also essential to survival in a culture sustained by the effective processing of information.

Minimal competency testing: administrative issues. MCT appears to be a major instrument of educational policy in response to public demand for basic educational standards and for educational accountability. Yet while MCT is acknowledged to be a useful tool in diagnostic assessment and remediation of academic deficiencies, prudent educators strongly argue that MCT is misused if it is established as sole criterion for academic advancement. For such exclusive uses, MCT, or any single test, is not a precise enough indicator of academic competencies. Here, as in other matters, educational administrators should avoid the fallacy of reductionism which takes a onedimensional, one-factor approach to the solution of a complex, multifaceted problem.

In thus defining academic competence, would educators not be in danger of merely extending a onedimensional educational process that elevates functional and atomistic learning outcomes to a virtue while ignoring aesthetic and integrative approaches to knowledge?

One of the pitfalls of imprudent applications of minimum competencies is that competencies in critical thinking, inference, ability to abstract and integrate are not easily measured and so tend to remain at the periphery of competency-based education. Another is that minimal competency tests may become very elementary and minimums very minimal as there is an increasing tendency to teach for the test and to let tests determine curriculum. Such results cannot be expected to solve the problem of eroded academic standards. On the contrary, imprudently narrow uses of MCT may lead to a quality paradox, in which the measure intended to improve instead reduces the quality of education.

Minimal competency testing: legal issues. In addition to these caveats from the point of view of the philosophy of education, there are legal restrictions on the uses of MCT to be considered. Where states or local school districts make competency tests prerequisite to graduation from high school, the courts can be expected to exercise close supervision of due process provisions since the courts have previously held a standard diploma to constitute a property

right. These due process provisions include adequate notice, which may require a phase-in period of several years for the MCT graduation requirement, as well as test validity and opportunity for remediation. Judicial scrutiny of test validity can be expected to extend to construct, curricular, and content validity. A provision for reexamination would safeguard against errors in the evaluation process, and an opportunity for remediation is part of the process due.

These legal requisites are attenuated when MCT is used for the identification and remediation of educational deficiencies but not required for receipt of the diploma, since no immediate property right as in the case of MCT as a graduation requirement is involved. Efforts to improve an educational program and to offer remedial instruction to needy students are administrative processes which, rather than involving specific legal rights related to outcomes, are procedures to remedy deficiencies in the process. A refined and rational administrative procedure would generally assure due process safeguards in such a situation.

Minimal competency testing: administrative guidelines.

General administrative guidelines for establishing and maintaining an MCT program include due process safeguards, a comprehensive testing policy, valid and reliable tests, adequate funding and resources for remediation, and staff development in diagnostic and remedial skills. Informing

the community about what is involved in implementing an MCT program and eliciting a public commitment for support are essential if the program is expected to attain the goal of improving the basic quality of education.

B. Recommendation

In light of the foregoing discussion of minimal competency testing as an educational policy issue, I recommend

(1) that MCT, or a series of proficiency tests, based on educational goals derived from a community consensus, be used for purposes of identifying student deficiencies for remediation, controlling grade-to-grade promotion, and verifying other evaluation procedures;

(2) that MCT take place in the context of comprehensive assessment of student proficiencies using multiple criteria for evaluation;

(3) that the MCT program be so formulated as to follow the administrative guidelines for its implementation listed in this paper, in particular respecting due process requirements and other pertinent legal constraints;

(4) that the MCT program be so formulated as to avoid the pitfalls of narrow applications, including the conversion of minimums to maximums, teaching for the test(s), and determining curriculum by the tests;

(5) that curriculum not be narrowly delimited by MCT or basics narrowly defined to exclude critical thinking and other essential higher-level skills;

- (6) that student and parent responsibilities as well as rights receive appropriate emphasis;
- (7) that social promotion and grade inflation be eliminated as educational policies;
- (8) that the underlying problem of educational finance be addressed, at the state level, by reforming the fiscal structure and by eliminating enrollment-driven funding;
- (9) that universities continue to upgrade their entrance requirements; and
- (10) that a comprehensive strategy addressing social as well as academic problems be devised so that pertinent social issues, such as drug and television habits, receive attention and concurrent efforts are made for their alleviation.

Finally, I suggest that interested educators keep in mind the reflections pertaining to general educational reform made by thoughtful observers such as these:

Competency-based education and assessment could have a major impact on improving both the quality of education and professional service. Joan Goldsmith and Paul Pottinger, "Future Directions," Defining and Measuring Competence, 1979.

The greatest contribution states can make to promote quality in the public institutions is to assure that their funding mechanisms are not overly enrollment-driven. To Strengthen Quality in Higher Education. Summary Recommendations of the National Commission on Higher Education Issues, 1982.

It is intensely desirable that all human beings become scientific in their attitudes: genuinely intelligent in their ways of thinking and acting. John Dewey, "The Unity of Science as a Social Problem," Foundations of the Unity of Science, 1969.

Notes

1. Interview in U.S. News & World Report (Sep 7, 1981), 53.
2. Education section in Time (Jan 11, 1982), 72.
3. Cf. IBHE Master Plan (Jul 8, 1980), II-2.
4. Ibid., II-1.
5. Reported by Associated Press (Feb 4, 1982).
6. Cf. David Bromley, Mary Crow, and Martha Gibson, "Grade Inflation: Trends, Causes, and Implications," Phi Delta Kappan 59 (Jun 1978), 694-97.
7. Ibid., 694.
8. Ibid., 696.
9. See note 1.
10. In Critical Issues in Educational Policy, ed. Louis Rubin. Boston: Allyn and Bacon, 1980, p. 18.
11. Ibid., 17.
12. U.S. News & World Report (Mar 16, 1981).
13. Reported in The State Journal-Register (Sep 29, 1981).
14. Gerald Bracey, "Some Reservations About Minimum Competency Testing," Phi Delta Kappan (Apr 1978), 550.
15. See "Stanley Kaplan, Teacher of Testing," The New York Times (Sep 20, 1981).
16. In U.S. News & World Report (Mar 16, 1981), 47-8.
17. As reported in the Chicago Tribune (Nov 13, 1981).
18. P. 76.
19. As reported in The State Journal-Register (Oct 30, 1981).
20. As reported in the Chicago Sun-Times (Aug 28, 1981), and in U.S. News & World Report (Mar 16, 1981).
21. Peter W. v. San Francisco Unified School District, 131 Cal. Rpt. 856 (1976).

22. Donohue v. Copiague Union Free School District, 407 N.Y. Supp. 2d 876 (1978).
23. Status Report on Remediation in Higher Education, IBHE (Jun 2, 1981), 2. The 1981 Annual Report of the State of Illinois Joint Education Committee, mentioning this report, promises to continue to review the question of remediation in the future (p. 5).
24. Ibid., 3.
25. Ibid., 10, 14.
26. See The State Journal-Register (Nov 25, 1981).
27. Op. cit., 53.
28. Reported in the New York Times (Aug 23, 1981).
29. See the Decatur Herald & Review (Oct 11, 1981), the Chicago Sun-Times (Sep 10, 1981), and U.S. News & World Report (Jun 8, 1981).
30. See 46 FR 151.
31. See 20 U.S.C. §3331.
32. See Fla. Stat. §229 et seq.
33. 20 U.S.C. §3331.
34. Fla. Stat. §229.55 (2)(d).
35. Fla. Stat. §232.246 (1)(b).
36. Debra P. v. Turlington, 474 F. Supp. 244 (1979).
37. Ibid. at 257.
38. Ibid. at 267.
39. Ibid. at 261.
40. Ibid. at 269.
41. Pierce v. Board of Education of the City of Chicago, 370 N.E. 2d 536 (1977).
42. Legislative Synopsis and Digest, vol. I, p. 30 (1978).
43. Ill. Rev. Stat. 1979, ch. 122, par. 2-3.42.

44. Senate Joint Resolution 121, adopted by the Senate on June 20, 1980, and concurred in by the House of Representatives on June 28, 1980.
45. Chester Dugger, "An Overview of the Minimal Competency Testing Program in Peoria - District 150," Illinois School Research and Development 17, no. 1 (Fall 1980), p. 21.
46. 46 FR 151, p. 40070.
47. Executive Summary of the Illinois State Board of Education Policy Study on Assessment and Student Achievement (n.p.)
48. Peter W. v. San Francisco Unified School District, 131 Cal. Rptr. 856 (1976).
49. Donohue v. Copiague Union Free School District, 407 N.Y. Supp. 2d 877 (1978).
50. Ibid. at 879.
51. Ibid.
52. 131 Cal. Rptr. at 860.
53. Quoted in David Abel, "Can a Student Sue the Schools for Educational Malpractice?" Harvard Educational Review 44, no. 4 (Nov 1974), 426.
54. 131 Cal. Rptr. at 861.
55. 407 N.Y. Supp. 2d at 878.
56. 131 Cal. Rptr. at 857.
57. Ibid. at 858.
58. 407 N.Y. Supp. 2d at 885.
59. See Milton B. Garber, "Damages Actions for Denial of Equal Educational Opportunities," 45 Missouri Law Review 281 (1980).
60. Ibid., p. 286.
61. Ibid., p. 287.
62. Arlene H. Patterson, "Professional Malpractice: Small Cloud, but Growing Bigger," Phi Delta Kappan, vol. 62, no. 3 (Nov 1980), 193-96.

63. Written decision filed on March 23, 1982.
64. As reported in The State Journal-Register (January 5, 1983).
65. Chester Dugger, op. cit., p. 21.
66. Ibid.
67. Ibid., p. 23.
68. Written decision (March 23, 1982), (n.p.).
69. Ibid.
70. ISBE Administrative Order (n.d.), p. 12.
71. For a good discussion of this point from the legal perspective see Donald M. Lewis, "Certifying Functional Literacy: Competency Testing and Implications for Due Process and Equal Educational Opportunity," Journal of Law and Education (Apr 1979), vol. 8, no. 2, p. 160.
72. Lester and Muriel Tarnopol, Science News, vol. 122, no. 14 (Oct 2, 1982), p. 211.
73. See Ellie McGrath, "Toughening Up on Admissions," Time (Jan 11, 1982), p. 72.
74. Reported in a news bulletin by Associated Press (Feb 3, 1982).
75. Reported in a news bulletin by Associated Press (Nov 1, 1981). See also James C. Enochs, "Modesto, California: A Return to the Four Rs," Phi Delta Kappan, vol. 59, no. 5 (May 1978), pp. 609-10.
76. Joan Goldsmith and Paul S. Pottinger, "Future Directions," in Defining and Measuring Competence, eds. Paul S. Pottinger et al. (San Francisco: Jossey-Bass, 1979), p. 97.
77. Reported as the Chicago School Superintendent's "plan to return to the three Rs" in the Chicago Tribune (May 12, 1981).
78. Reported in The State Journal-Register (Jan 13, 1983).
79. Report of the Commission on the Humanities, The Humanities in American Life (Berkeley: Univ. of California Press, 1980), p. 20.
80. Quoted in Stanley Wellborn, "Ahead: A Nation of Illiterates?" U.S. News & World Report (May 17, 1982), p. 56.

81. See Eric Zorn, "If Johnny can't read, how will he plug in to electronic world?" Chicago Tribune (Aug 12, 1981).
82. Quoted in Eric Zorn, op. cit.
83. Interview in U.S. News & World Report (Nov 2, 1981).
84. ISBE Executive Summary (see note 47), p. 9.
85. Paul Pottinger, "Competence Assessment: Comments on Current Practices," in Defining and Measuring Competence, op. cit., p. 27.
86. Robert Ebel, "The Case for Minimum Competency Testing," Phi Delta Kappan (May 1978), p. 547.
87. Gerald Bracey, "Some Reservations About Minimum Competency Testing," Phi Delta Kappan (May 1978), p. 551.
88. See Benjamin Bloom et al., Taxonomy of Educational Objectives (New York: McKay, 1969).
89. Jim Mecklenburger, "Minimum Competency Testing: The Bad Penny Again," Phi Delta Kappan (Jun 1978), p. 698.
90. Robert Maple et al., "Competency Based Testing in the State of Illinois," Illinois School Research and Development, vol 17, no. 1 (Fall 1980), p. 18.
91. See, e.g., Debra P. v. Turlington, 474 F. Supp. 266 (1979).
92. For a thorough and lucid discussion of these points, see Donald M. Lewis, op. cit.
93. Quoted in Lewis, p. 183.
94. See Ned Lovell and Rodney Riegle, "Policy Guidelines for Minimal Competency Testing," Illinois School Research and Development, vol. 17, no. 1 (Fall 1980), pp. 9-13.

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